

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**SEPTEMBER 15, 2009**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 15, 2009 at 3:48 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair  
The Honorable Anne Fauver  
The Honorable Kwanza Hall  
The Honorable Joyce Sheperd  
The Honorable H. Lamar Willis**

The following member was absent:

**The Honorable C. T. Martin, Vice-Chair**

Others present at the meeting were: Acting City Attorney, R. Roger Bhandari, Jerry Deloach and Amber Robinson, Law Department; Deputy Chiefs George Turner and Carlos Banda, Police Department; Deputy Chief Winston Meadows, Atlanta Fire and Rescue Department; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:48 p.m. after declaring a quorum present. She then proceeded with the following order of business.

**A. ADOPTION OF AGENDA - ADOPTED**

**B. APPROVAL OF MINUTES - APPROVED**

**CONSENT**

**C. RESOLUTIONS**

**Claims with favorable recommendations:**

09-R-1566 ( 1) Claim of **Antakristy Searcy, through her attorney, Joel M. Baskin, PC,** for bodily injuries alleged to have been sustained from an automobile accident on March 29, 2009 at 1935 Alison Court, SW. **\$9,960.00**

09-R-1567 ( 2) Claim of **Tiffany Williams, through her attorney, Joel M. Baskin, PC,** for bodily injuries alleged to have been sustained from an automobile accident on March 29, 2009 at 1935 Alison Court, SW. **\$8,690.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 09-R-1568 ( 3) Claim of **Anthony Taylor, through his attorney, Fred Lerner**, for damages alleged to have been sustained as a result of an automobile accident on February 24, 2009 at Ralph David Abernathy Boulevard and Cooper Street. **\$4,500.00**
- 09-R-1569 ( 4) Claim of **Salena Epps-Jackson**, for damages alleged to have been sustained as a result of an automobile accident on July 31, 2009 at Interstate 285 East at Clark Howell Highway. **\$4,251.73**
- 09-R-1570 ( 5) Claim of **Allstate Insurance Company, as subrogee of Debra Stovall**, for vehicular damages alleged to have been sustained from an automobile accident on June 3, 2009 at Cottage Avenue and Rockyford Road, NE. **\$4,178.86**
- 09-R-1571 ( 6) Claim of **Khoury Alternative Claim Management, as subrogee of Triangle Rent-a-Car**, for damages alleged to have been sustained as a result of a vehicular accident on January 3, 2009 at Monroe Drive and Elmwood Drive. **\$3,781.28**
- 09-R-1572 ( 7) Claim of **Tony Rooney**, for damages alleged to have been sustained as a result of a sewer backup in November 2006 at 851 Arlington Place, NE. **\$3,734.00**
- 09-R-1573 ( 8) Claim of **Christina Nixon**, for damages alleged to have been sustained as a result of a vehicular accident on July 17, 2009 at 1564 DeKalb Avenue. **\$3,066.63**
- 09-R-1574 ( 9) Claim of **Mary Moss**, for damages alleged to have been sustained as a result of walking on an uncovered construction cut on September 24, 2008 at 588 James P. Brawley Drive. **\$2,900.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 09-R-1575 (10) Claim of **Doris Woods**, for damages alleged to have been sustained as a result of a sewer backup on March 14, 2009 at 610 Alex Way, SW. **\$2,330.00**
- 09-R-1576 (11) Claim of **Leon A. Johnson**, for damages alleged to have been sustained as a result of a water meter leak on June 17, 2009 at 2107 Martin Luther King, Jr. Drive, SW. **\$2,878.00**
- 09-R-1577 (12) Claim of **Vivian Redding, through her attorney, Amjad Ibrahim**, for damages alleged to have been sustained as a result of a vehicular accident on January 12, 2009 at 1265 Lee Street. **\$1,818.66**
- 09-R-1578 (13) Claim of **Allstate, as subrogee of Job Jordan**, for damages alleged to have been sustained as a result of an automobile accident on June 22, 2009 at 3140 Campbellton Road, SW. **\$1,624.16**
- 09-R-1579 (14) Claim of **Jemal Gelchu**, for damages alleged to have been sustained as a result of an automobile accident on June 22, 2009 at Virginia Avenue and South Central Avenue. **\$1,198.81**
- 09-R-1580 (15) Claim of **Gerard Najour**, for damages alleged to have been sustained as a result of a sewer backup on October 3, 2008 at 1118 Virginia Avenue. **\$1,148.85**
- 09-R-1581 (16) Claim of **Malcolm McBride**, for damages alleged to have been sustained as a result of driving over a pothole on July 29, 2009 at Casanova Street and Funston Street. **\$1,041.98**
- 09-R-1582 (17) Claim of **Georgia Power**, for damages alleged to have been sustained during the repair of a tail piece leak on June 19, 2009 at 9605 Huntcliff Trace. **\$959.25**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 09-R-1583 (18) Claim of **Kenneth Brown**, for damages alleged to have been sustained as a result of striking an unsecured sewer manhole lid on July 27, 2009 at 1097 Harwell Road, NW.  
**\$846.82**

**Claims with unfavorable recommendations:**

- 09-R-1584 (19) Claim of **Humberto Cardenas, and his wife, Erica Ferreirah, through their attorney, Clark H. McGehee**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1585 (20) Claim of **Rafael A. Rios, through his attorney, William A. Parker, Jr.**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1586 (21) Claim of **Eusebia Lopez Carbajal, spouse and Saul Chupin Lopez, Aracely Chupin Lopez, Irene Chupin Lopez, Selena Chupin Lopez, Victor Daniel Chupin Lopez, Maria Guadalupe, Aquiles Chupin Lopez, Roberta Chupin Lopez, Rosario Chupin Lopez, Angel Chupin Lopez, children, through their attorney, Peter A. Law**, for damages alleged to have been sustained as a result of the death of Angel Chupin due to the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1587 (22) Claim of **Fernando Sanchez & his wife, Susie Sanchez; Daniel Ortiz and Jose Ortiz, through their attorney, James A. Rice, Jr.**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1588 (23) Claim of **Ruben Alonzo and his wife, Dilsiade Alonzo, through their attorney, Clark H. McGehee**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 09-R-1589 (24) Claim of **Adelfino Zuniga, through his attorney, Preyesh K. Maniklal**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1590 (25) Claim of **Tracey Langston, through his attorney, Charles McAleer**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1591 (26) Claim of **Anthony Baker, through his attorney, Joseph A. Fried**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1592 (27) Claim of **Erasmus Alonzo, and his wife, Gloria Alonzo, through their attorney, Clark H. McGehee**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1593 (28) Claim of **Tony Stovall, through his attorney, Steven Hart**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1594 (29) Claim of **Ravie Langston, through his attorney, Charles McAleer**, for damages alleged to have been sustained as a result of the collapse of the canopy walk on December 19, 2008 at the Atlanta Botanical Gardens.
- 09-R-1595 (30) Claim of **State Farm Insurance Companies, as subrogee of Earla Campbell**, for damages alleged to have been sustained as a result of striking metal plates on January 21, 2009 at 414 Ponce de Leon Avenue, NE.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 09-R-1596 (31) Claim of **State Farm Insurance Companies, as subrogee of Earla Campbell**, for damages alleged to have been sustained as a result of striking metal plates on January 21, 2009 at 414 Ponce de Leon Avenue, NE.
- 09-R-1597 (32) Claim of **Tim D. Shultz**, for damages alleged to have been sustained as a result of a sewer backup on January 8, 2009 at 3733 Peachtree Road Apartment A-5.
- 09-R-1598 (33) Claim of **Scott A. Moller**, for damages alleged to have been sustained as a result of striking a construction cut on July 12, 2009 at 3541 Roswell Road.
- 09-R-1599 (34) Claim of **Albert Jones, through his attorney, Sam Starks**, for damages alleged to have been sustained as a result of a series of sewer backups between December 17, 2008 and January 28, 2009 at 149 Peyton Place, SW.
- 09-R-1600 (35) Claim of **Reginald A. Smith, Sr.**, for damages alleged to have been sustained as a result of striking a metal plate on March 30, 2009 at 69 East Lake Terrace and Cottage Grove.
- 09-R-1601 (36) Claim of **Shajuna Miles-Mott**, for damages alleged to have been sustained as a result of striking a pothole on April 1, 2009 at Boulder Park Drive and Cushman Circle.
- 09-R-1602 (37) Claim of **Patricia Ann Sullivan**, for damages alleged to have been sustained as a result of an automobile accident on January 31, 2009 at Ralph David Abernathy Boulevard, SW and Central Avenue, SW.
- 09-R-1603 (38) Claim of **Joshua Arnold**, for damages alleged to have been sustained as a result of an automobile accident on May 20, 2009 at 981 Forrest Drive.
- 09-R-1604 (39) Claim of **Mary Snopek**, for damages alleged to have been sustained as a result of driving over a pothole on April 11, 2009 at the entrance ramp to Interstate 20 at Lee Street.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 09-R-1605 (40) Claim of **Lakeysha Russell, on behalf of minor, Ashanti Russell**, for damages alleged to have been sustained as a result of a trip and fall on March 13, 2009 at Dodson Drive and Campbell Road.
- 09-R-1606 (41) Claim of **Gail White**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on January 9, 2009 at Fairburn Road.
- 09-R-1607 (42) Claim of **Patcher Jenkins**, for damages alleged to have been sustained as a result of driving over a pothole on January 9, 2009 at 10<sup>th</sup> Street near Dalney Street.
- 09-R-1608 (43) Claim of **R. Kim Taratoot**, for damages alleged to have been sustained as a result of driving over a pothole on January 7, 2009 at 10<sup>th</sup> Street at Center Street.
- 09-R-1609 (44) Claim of **Delores Jefferson**, for damages alleged to have been sustained as a result of walking onto an uncovered water meter on March 10, 2009 at 697 Bear Trail, Fairburn.
- 09-R-1610 (45) Claim of **Allstate, as subrogee of Gladys Noland**, for damages alleged to have been sustained as a result of an automobile accident on December 20, 2008 at 1163 Metropolitan Parkway, SW.
- 09-R-1611 (46) Claim of **Ciji Holloway, through her attorney, William A. Tiku**, for damages alleged to have been sustained as a result of an automobile accident on December 26, 2008 at University Avenue and McDaniel Street.
- 09-R-1612 (47) Claim of **Louis E. Vega**, for damages alleged to have been sustained during a sewer construction project on February 2, 2009 at 703 Penn Avenue.
- 09-R-1613 (48) Claim of **Glen Lee Smith**, for damages alleged to have been sustained as a result of a water main break on January 21, 2008 at 4730 Kitty Hawk Drive.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 09-R-1614 (49) Claim of **Gregory Kohl**, for damages alleged to have been sustained as a result of an automobile accident on August 15, 2008 at 1169 West Peachtree Street.
- 09-R-1615 (50) Claim of **Lisa Lester**, for damages alleged to have been sustained as a result of a broken water line on February 13<sup>th</sup> thru 15<sup>th</sup>, 2009 at 211 Winter Avenue.
- 09-R-1616 (51) Claim of **Jean Cooper**, for damages alleged to have been sustained as a result of being struck by a Herbie-Curbie on December 16, 2008 at 640 Grant Street.
- 09-R-1617 (52) Claim of **Lorene Cameron**, for damages alleged to have been sustained during a street resurfacing project on February 10, 2009 at 805 Durant Place, NE.
- 09-R-1618 (53) Claim of **Robin Sturdivant**, for damages alleged to have been sustained as a result of a sewer backup on October 22, 2008 at 757 Center Hill Avenue.
- 09-R-1619 (54) Claim of **Agu Iheke**, for damages alleged to have been sustained as a result of striking a raised sewer manhole on May 21, 2009 at 89 Chapel Street, SW.  
**(Councilmember Sheperd made a motion to approve Items C1-C54.)**

**FAVORABLE**

**D. ORDINANCES FOR FIRST READING**

- 09-O-1558 ( 1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 3, Section 10-127, entitled Temporary Permit for Non-Profit Civic Organizations, to increase the number of permits that may be issued to an organization in any one calendar year from two to four; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

- 09-O-1559 ( 2) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-42, entitled Miscellaneous Requirements and Penalties; and Section 162-43, entitled Table of Violations, so as to make it unlawful for drivers of Vehicles for Hire to engage the Child Safety Locks on the rear doors of a vehicle for hire unless otherwise directed; to establish penalties therefor; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

- 09-O-1560 ( 3) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 106, Offenses and Miscellaneous Provisions, Article V, Offenses by and Against Minors, Section 106-228, same-responsibility of parents, so as to replace improper references to nonexistent sections of the City of Atlanta Code of Ordinances with the proper references to Section 106-227, Curfew-authorized; to repeal conflicting ordinances; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

- 09-O-1561 ( 4) An Ordinance by Public Safety and Legal Administration Committee to amend the 2009 (Intergovernmental Grant Fund) Budget, Executive Offices, Mayor's Office of Weed and Seed, by adding to anticipations and appropriations in the amount of \$380,098.00 from the Department of Justice Byrne Discretionary Grant; to rescind Ordinance 09-O-0412; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

09-O-1562 ( 5) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$300,000.00 for Grant Funds from the White House Office of National Drug Control Policy for the continuation of the High Intensity Drug Trafficking Area (HIDTA) Task Force and continued disruption of Drug Trafficking Organizations; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**E. COMMUNICATIONS**

09-C-1521 ( 1) A Communication by Mayor Shirley Franklin appointing **Mr. R. Roger Bhandari** as City Attorney.  
**(Councilmember Winslow made a motion to hold.)**

**HELD**

09-C-1524 ( 2) A Communication by Mayor Shirley Franklin appointing **Ms. Yolanda West** to serve as a Taxicabs and Vehicles for Hire Hearing Officer on behalf of the City of Atlanta. This appointment is for a term of two (2) years scheduled to begin on the date of Council confirmation.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

09-C-1525 ( 3) A Communication by Mayor Shirley Franklin appointing **Ms. Katrice T. Hatten** to serve as a Taxicabs and Vehicles for Hire Hearing Officer on behalf of the City of Atlanta. This appointment is for a term of two (2) years scheduled to begin on the date of Council confirmation.  
**(Councilmember Winslow made a motion to hold.)**

**HELD**

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**F. ORDINANCES FOR SECOND READING**

- 09-O-0996 ( 1) An Ordinance by Councilmembers Jim Maddox and Cleta Winslow **as substituted and amended by Public Safety and Legal Administration Committee and as amended by Full Council** to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965, O. C. G. A. Section 36-35-1 et seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq., by amending Part 1, Subpart A, Article IV (Courts); which shall be Section 4-118, to be entitled Senior Judge so as to create the position of Senior Judge of the Municipal Court, to set forth the duties thereof, and to set forth the compensation to be paid thereto; to repeal conflicting ordinances and for other purposes. **(Referred back by Full Council 9/8/09)  
(Councilmember Fauver made a motion to approve on substitute as amended)**

**FAVORABLE ON SUBSTITUTE AS AMENDED**

- 09-O-1045 ( 2) An **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Section 162-77 (6) so as to specifically allow third parties approved by the Bureau, to administer the examination which all new applicants for driver permits must pass in order to secure their initial permits; and for other purposes. **(Referred back by Full Council 9/8/09)  
(Councilmember Winslow made a motion to hold.)**

**HELD**

- 09-O-1417 ( 3) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to add to anticipations and appropriations funds from Wachovia Bank on behalf of the Atlanta Fire and Rescue Department in the amount of \$438,843.00 for the purpose of supporting the Mobile Data Computers and Automatic Vehicle Locators; and for other purposes. **(Councilmember Winslow made a motion to hold.)**

**HELD**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-1499 ( 4) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, by adding to anticipations and appropriations in the amount of \$172,020.00 on behalf of the Atlanta Fire and Rescue Department for the purpose of funding the Car Seat Fitting Station Program developed by the Atlanta Fire and Rescue Department; and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE**

- 09-O-1648 ( 5) An Ordinance by Councilmembers Felicia A. Moore, C. T. Martin, H. Lamar Willis, Ivory L. Young, Jr., Kwanza Hall, Natalyn M. Archibong, Joyce Sheperd, Howard Shook, Clair Muller, Carla Smith, Anne Fauver and Mary Norwood **as substituted by Public Safety and Legal Administration Committee** to waive the requirements of Section 2-184(b) of the Atlanta City Code of Ordinances so as to permit the extension of the time that R. Roger Bhandari may serve as Acting City Attorney to no later than January 30, 2010; and for other purposes.  
**(Councilmember Fauver made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 09-O-1651 ( 6) An Ordinance by Councilmember C. T. Martin to amend the Second Paragraph of Section 162-61(a) (Number Limited; Costs) as contained in Chapter 162 (Vehicles for Hire), Article II (Animal-Drawn Vehicles, Limousines, Taxicabs and Similar Vehicles); Division 2 (CPNC), so as to increase until December 31, 2011, the permissible age of a vehicle that may be operated as a taxicab in the City, from eight (8) years to (10) years; to waive conflicting ordinances; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE (1 NAY) FAUVER**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-1652 ( 7) An Ordinance by Councilmember C. T. Martin to amend Chapter 30 (Businesses), Article XXIV (Vending on Private Property), Divisions 1 (Generally), Section 30-1468 (Athletic and Entertainment Vending) of the Code of Ordinances of the City of Atlanta, Georgia, so as to clarify that an Athletic and Entertainment Vending Permit for a Private Property Vending location is not limited to a two year period; to waive conflicting ordinances; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

**G. RESOLUTIONS**

- 09-R-1510 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of EMC Insurance Company v. The City of Atlanta (by and through its duly elected representative) Mayor Shirley Franklin, et al., Civil Action File No. 2008VE005555F, in the amount of \$20,000.00; authorizing said payment to be charged to and paid from Fund 5051 (Watershed & Wastewater Fund) Account 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

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**RESOLUTION (CONT'D)**

09-R-1511 ( 2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Rhamay Grimmitt v. COA, et al., Civil Action File Number 1:07-CV-03050-TCB, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$45,000.00 to be charged to and paid from Fund 1001 (General Fund), Account 5212005 (Litigation Expense) Center Number 200101 (Non-Departmental), 1512000 (Functional Activity), and authorizing payment of \$45,000.00 to his attorney, Jan P. Cohen, Esq., Weinstock & Scavo, P.C.; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

**(Councilmember Fauver made a motion to approve.)**

**FAVORABLE**

09-R-1563 ( 3) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to execute Temporary Service Contracts with thirty-one (31) retired City of Atlanta ("City") Police Officers, for the purpose of providing Professional Security Services at the Atlanta Public Safety Headquarters and the Atlanta Public Safety Annex, for a period of fourteen (14) months in FY2010 and FY2011, for a total amount not to exceed \$624,975.00; all costs to be charged to Account Number 1001.240202.5212001.3260000.000000.0000; and for other purposes.

**(Councilmember Sheperd made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

09-R-1564 ( 4) A Resolution by Public Safety and Legal Administration Committee amending Resolution Number 09-R-1132 so as to correct the amount of the damages contained in said Resolution from \$1,910.86 to \$1,000.00 in settlement of the claim of Mary C. and Carly M. Franze against the City of Atlanta; and for other purposes.

**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

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**RESOLUTION (CONT'D)**

- 09-R-1642 ( 5) A **Substitute** Resolution by Councilmember Anne Fauver authorizing the City Attorney to negotiate settlement terms for the lawsuit styled R. Dillion Baynes v. City of Atlanta, Georgia, Civil Action No. 2007-CV-127767, Fulton County Superior Court, with the amount of any payment by the City not to exceed \$9,500.00; authorizing the Chief Financial Officer to distribute the final settlement amount; and for other purposes.  
**(Councilmember Sheperd made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE (1 ABSTENTION) FAUVER**

**H. PAPERS HELD IN COMMITTEE**

- 06-R-0433 ( 1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**
- 06-O-1044 ( 2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 07-O-1525 ( 3) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-1795 ( 4) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**
- 07-O-1879 ( 5) An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes. **(Public Hearing held on 10/30/07) (Held 10/30/07 for further review)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2513 ( 6)     An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes. **(Held 11/27/07 at the request of the author)**
- 08-O-0190 ( 7)     An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author)**
- 08-O-0507 ( 8)     An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**
- 08-O-0884 ( 9)     An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1147 (10) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Charter of the City of Atlanta, Georgia, adopted under the authority of the Municipal Home Rule Act of 1965, O.C.G.A. 36-35-1 et seq., as amended, to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws, P. 4469, et seq., by amending Article 4, Courts, Sections 4-106 and 4-109 regarding the appointment of Judges Pro Hac Vice to the Municipal Court of Atlanta; to repeal conflicting ordinances; and for other purposes. **(Referred back from Council on 3<sup>rd</sup> Reading, Final Adoption) (Held 2/24/09)**
- 08-O-1211 (11) An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**
- 08-O-1252 (12) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**
- 08-O-1289 (13) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of

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**PAPERS HELD IN COMMITTEE (CONT'D)**

the City of Atlanta Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

- 08-O-1544 (14) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**
- 08-O-1753 (15) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**
- 08-O-2436 (16) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes. **(Held 1/13/09) (Held 4/28/08 for a work session)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 09-O-0389 (17) An Ordinance by Public Safety and Legal Administration Committee to amend Section 10-75 (5) of the Code of Ordinances of the City of Atlanta, Georgia ("The Alcoholic Beverage Code") so as to correct a Code Section reference error contained therein; to waive conflicting ordinances; and for other purposes. **(Held 3/10/09 for further review)**
- 09-R-0621 (18) Claim of **Tremayne McReynolds**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **(Referred back by Council 4/20/09) (Held 4/28/09 for further review)**
- 09-R-0722 (19) Claim of **Tracy Dummett**, for damages alleged to have been sustained from a police shooting incident on October 16, 2008 at 1500 Langston Avenue. **(Held 4/28/09 at the request of Councilmember Sheperd for further review by the Law Department.)**
- 09-R-1030 (20) Claim of **Fred McFarlin**, for damages alleged to have been sustained when a door was broken by firemen on February 9, 2009 at 1865 Wellborne Drive, NE. **(Held 6/9/09 at request of Councilmember Fauver.)**
- 09-O-1069 (21) An Ordinance by Councilmember C. T. Martin to amend Section 162-260 (a), (Entitled "Fees Charged by Vehicle Immobilization Service") of the Code of Ordinances of the City of Atlanta, Georgia, so as to increase the allowable fee charged by Vehicle Immobilization Services, to the owner of any immobilized vehicle or personal property, from \$50.00 per day to \$75.00 per day; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 7/14/09)**
- 09-O-1178 (22) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-36 to require that the dome lights, with which the roofs of all taxicabs must currently be affixed, be wired in such a way as to minimize the possibility of injury for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

09-O-1179 (23) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of taxicab safety equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

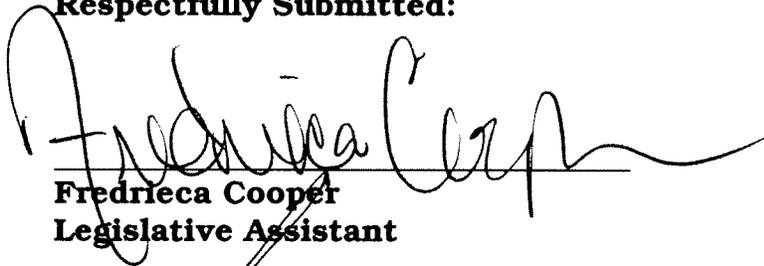
**I. REQUESTED ITEMS**

1. Councilmember Sheperd made a request for a work session on liquor licensing.
2. Councilmember Sheperd made a request for the Police Department to come back in September for an update on the Auditor's Recommendations regarding the Patrol Officer Availability Audit.

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**There being no further business to come before the Committee, the meeting was adjourned at 6:16 p.m.**

**Respectfully Submitted:**



**Fredrica Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair  
Public Safety and Legal Administration Committee**